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ACTION AF-01

INFO	LOG-00	AID-01	ARA-01	CA-02	CIAE-00	SMEC-00	OASY-00
	DODE-00	ANHR-01	DS-00	EAP-01	EB-01	EUR-01	OIGO-01
	FDRE-01	H-01	IMMC-01	TEDE-00	INR-00	IO-16	L-01
	ADS-00	MFLO-03	M-00	NEA-01	NSAE-00	NSCE-00	OCS-06
	OIC-02	OIG-04	OMB-01	PA-01	PM-00	PRS-01	P-01
	SCT-03	SNP-00	SP-00	SR-00	SSO-00	SS-00	STR-01
	TRSE-00	T-00	USIE-00	SA-01	FMP-00	PMB-00	DSCC-00
	PRM-10	PRME-01	DRL-09	G-00	/075W		

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P 161320Z NOV 94
FM AMEMBASSY KIGALI
TO SECSTATE WASHDC PRIORITY 0455
USMISSION USUN NEW YORK
INFO UN SECURITY COUNCIL COLLECTIVE
RWANDA COLLECTIVE

C O N F I D E N T I A L SECTION 01 OF 02 KIGALI 002224

DEPARTMENT FOR G; AF; IO;, AND DRL

E.O. 12356:DECL:OADR
TAGS: PREL, PHUM, PREF, PGOV, RW, UN
SUBJECT: RWANDAN COOPERATION ON TRIBUNAL/AID BENCHMARKS

REF: STATE 304744

1. CONFIDENTIAL -- ENTIRE TEXT.
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2. SUMMARY. CHARGE MET WITH INTERIOR MINISTER SENDASHONGA AND JUSTICE MINISTER NKUBITO ON NOVEMBER 16 TO DEMARCHE THE GOR ON POSITIVE COOPERATION WITH THE INTERNATIONAL WAR CRIMES TRIBUNAL, AS INSTRUCTED REFTEL. CHARGE ALSO RAISED THE SUBJECT OF AID BENCHMARKS. HIS INTERLOCUTORS CONFIRMED RWANDAN SUPPORT FOR THE TRIBUNAL AND WILLINGNESS TO SATISFY USG BENCHMARKS. END SUMMARY.

3. CHARGE OPENED DISCUSSION BY THANKING SENDASHONGA FOR HELPING US MOVE SQUATTERS OUT OF USG-LEASE PROPERTIES. HE ALSO GAVE AN UPDATE ON THE PROCUREMENT OF ESSENTIAL EQUIPMENT FOR THREE GOR MINISTRIES, INCLUDING INTERIOR, THROUGH THE USAID DEMOCRACY AND GOVERNANCE PROJECT. CHARGE NEXT RAISED THE ISSUE OF COOPERATION WITH THE U.N. WAR CRIMES TRIBUNAL, USING SUGGESTED TALKING POINTS.

4. SENDASHONGA SAID THAT THE GOR WOULD COOPERATE FULLY WITH THE WAR CRIMES TRIBUNAL. HE EXPLAINED THAT THE GOR HAD VOTED AGAINST THE TRIBUNAL ON ISSUES OF PRINCIPLE, WHICH WERE OUTLINED IN A WRITTEN DOCUMENT AT THE TIME OF THE VOTE. HOWEVER, THE GOR REALIZED THAT UNDER U.N. GUIDELINES THE VOTE WAS BINDING ON ALL MEMBER STATES. THEREFORE, THE GOR WOULD SUPPORT THE WORK OF THE TRIBUNAL, INCLUDING ON THE INVESTIGATIVE LEVEL, DESPITE GOR VIEWS ON THE "FLAWED" FRAMEWORK OF THE STATUTES. HE ADDED THAT THE GOR KNEW THAT COOPERATION WAS IN ITS INTEREST.

5. SENDASHONGA WAS EQUALLY POSITIVE ON THE BENCHMARKS. HE SAID THAT UNAMIR HAD FREE AND UNIMPEDED ACCESS TO ALL PARTS OF RWANDA BUT ADMITTED THAT THERE HAD BEEN OCCASIONAL

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MISUNDERSTANDINGS ON THE LOCAL LEVEL. HE TICKED OFF AGREEMENTS THE GOR HAD MADE WITH INTERNATIONAL HUMAN RIGHTS MONITORS: 147 FROM THE UNHRC (A FIGURE SUGGESTED BY THE U.N.); 294 FROM THE EUROPEAN UNION; AND AN OPEN-ENDED NUMBER FROM CITIZEN'S NETWORK, WHICH TO DATE HAD PUT EIGHT IN THE FIELD. HE SAID THAT THE MONITORS HAD ACCESS TO ALL PARTS OF RWANDA AND THAT HE SHOULD BE CONTACTED PERSONALLY IF THERE WERE EVER A PROBLEM WITH THIS. HE ADDED THAT IT WAS A SHAME THAT THE UNHRC HAD NOT TAKEN BETTER ADVANTAGE OF THE OFFER. HE SAID THE GOR HAS GRANTED PRISON ACCESS TO UNHRC MONITORS,

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THE ICRC, AND OTHER NGO'S WHO HAVE ASKED.

6. THE CHARGE EXPLAINED WHY THE USG NEEDS A FIXED POINT OF CONTACT WITH THE GOR ON HUMAN RIGHTS ISSUES. SENDASHONGA AGREED AND SAID THAT EVENTUALLY THIS SHOULD BE THE HEAD OF THE NATIONAL HUMAN RIGHTS COMMISSION PRESCRIBED BY ARUSHA. SINCE THIS BODY HAD NOT YET FORMED, HE FELT THAT EITHER THE MINISTRY OF JUSTICE OR INTERIOR SHOULD BE THE POC. HE SAID THAT HE WOULD RAISE THIS WITH THE PRIME MINISTER IN CABINET ON NOVEMBER 17 AND GIVE THE CHARGE THE POINT OF CONTACT AND A TELEPHONE NUMBER WITHIN A WEEK.

7. SENDASHONGA CONFIRMED THAT THE PERMANENT CIVILIAN PREFECTS HAVE REPLACED MOST OF THE INTERIM RPA PREFECTS, WHO HAVE RESUMED THEIR MILITARY ROLES. HE SAID THAT POOR COMMUNICATION WITH OUTLYING REGIONS WAS A MAJOR IMPEDIMENT TO HIS MINISTRY'S WORK. HE CITED PRISON OVERCROWDING AS ANOTHER SERIOUS PROBLEM AND ADMITTED THAT THE GOR WOULD BE UNABLE TO FEED PRISONERS WITHOUT OUTSIDE HELP. THE CHARGE RAISED THE ISSUE OF IDP'S. SENDASHONGA REPLIED THAT IT WAS NECESSARY FOR THE GOR TO TAKE A "JUDICIOUS" APPROACH TO THE

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PROBLEM.

8. HE SAID THAT AT THE POINT THE GOR SCREENED RETURNING IDP'S AND REFUGEES FOR PARTICIPATION IN THE GENOCIDE, IT WOULD BE ESSENTIAL TO DO SO IN A MANNER CONSISTENT WITH ACCEPTED LEGAL NORMS. CHARGE ASKED THE MINISTER HOW THE GOR COULD EVER HOPE TO HANDLE THE VOLUME OF PERSONS IN QUESTION: NO COUNTRY, INCLUDING THE U.S., HAD THE CAPACITY TO IMPRISON IN A HUMANE FASHION THE HUGE NUMBER OF PERSONS PREVIOUSLY CITED BY GOR OFFICIALS AS GUILTY OF SOME CRIME. SENDASHONGA REPLIED THAT IT WAS UNREALISTIC TO THINK THAT THE GOR COULD HANDLE THE PROBLEM USING FORMAL COURTS AND PENAL PROCEDURES. AT "SOME POINT" IT WOULD BE NECESSARY TO MAKE A HARD CHOICE ON CONCESSIONS. HE THOUGHT THAT TRADITIONAL COUNCILS WERE A SOLUTION FOR THOSE IMPLICATED IN THEFT OR PILLAGE. HE CITED EXISTING COMMUNAL COUNCILS IN GITARAMA PREFECTURE WHERE NEIGHBORS BANDED TOGETHER TO REBUILD THE HOUSES OF RETURNING VICTIMS AND CONFRONTED AND FORCED THOSE WHO HAD VICTIMIZED

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TO EITHER RESTITUTE PURLOINED GOODS OR PAY DAMAGES.
SENDASHONGA WAS EMPHATIC THAT THOSE WHO HAD KILLED SHOULD BE
FORMALLY JUDGED.

9. THE HURRIED MEETING WITH JUSTICE MINISTER NKUBITO THAT
FOLLOWED -- HE WAS OVERDUE FOR A MEETING WITH U.N. EXPERTS -
- YIELDED APPROXIMATELY THE SAME PLEDGES.

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C O N F I D E N T I A L SECTION 02 OF 02 KIGALI 002224

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DEPARTMENT FOR G; AF; IO;, AND DRL

E.O. 12356:DECL:OADR

TAGS: PREL, PHUM, PREF, PGOV, RW, UN

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10. WE DECIDED IT PRUDENT TO CONFIRM STATED GOR COMMITMENT
TO THE BENCHMARKS WITH THOSE DIRECTLY INVOLVED.

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CONSEQUENTLY, DATT CONTACTED UNAMIR ON THE ACCESS QUESTION,
AS REPORTED IN IIR 6 825 0097 95. BILL CLARENCE OF THE
UNHCR HUMAN RIGHTS OFFICERS PROGRAM SAID THAT ACCESS HAS
BEEN NO PROBLEM. ICRC DIRECTOR SANGSUE HAS TOLD US THAT HE
IS GENERALLY SATISFIED WITH PRISON ACCESS, AS HAS AFRICA
WATCH'S ALISON DE FORGES. UNAMIR COMMANDER, DATT, AND
CHARGE ALL SAW THE SAME THING DURING VISIT TO EX-FAR
REINTEGRATION FACILITY, WHERE ACCESS WAS UNTRAMMELED BUT NOT
UNSCHEDULED. THE GOR HAS AGREED TO OUR BOTTOM LINE, AND WE
THINK THAT THEY HAVE THUS FAR RESPECTED THE SPIRIT OF THE
AGREEMENT. A HUMAN RIGHTS POC IS THE OUTSTANDING ISSUE.

11. COMMENT. WE AGREE IT IS BEST TO KEEP THE POC IN AN
EXISTING MINISTRY. EITHER OF THE MINISTERS IN QUESTION
WOULD BE FINE. NKUBITO HAS A STRONG RECORD AS A HUMAN
RIGHTS ACTIVIST. SENDASHONGA IS DIRECT AND OPEN; HE SPEAKS
PASSABLE ENGLISH TO BOOT. IT LOOKS TO BE A WIN-WIN CHOICE.

WHITEHEAD

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